

House Engrossed

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

CHAPTER 201

HOUSE BILL 2091

AN ACT

AMENDING SECTIONS 15-1802 AND 15-1802.01, ARIZONA REVISED STATUTES; RELATING
TO POSTSECONDARY EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-1802, Arizona Revised Statutes, is amended to
3 read:

4 15-1802. In-state student status

5 A. Except as otherwise provided in this article, no person having a
6 domicile elsewhere than in this state is eligible for classification as an
7 in-state student for tuition purposes.

8 B. A person is not entitled to classification as an in-state student
9 until the person is domiciled in this state for one year, except that a
10 person whose domicile is in this state is entitled to classification as an
11 in-state student if the person meets one of the following requirements:

12 1. The person's parent's domicile is in this state and the parent is
13 entitled to claim the person as an exemption for state and federal tax
14 purposes.

15 2. The person is an employee of an employer that transferred the
16 person to this state for employment purposes or the person is the spouse of
17 such an employee.

18 3. The person is an employee of a school district in this state and is
19 under contract to teach on a full-time basis or is employed as a full-time
20 noncertified classroom aide at a school within that school district. For the
21 purposes of this paragraph, the person is eligible for classification as an
22 in-state student only for courses necessary to complete the requirements for
23 certification by the state board of education to teach in a school district
24 in this state. No member of the person's family is eligible for
25 classification as an in-state student if the person is eligible for
26 classification as an in-state student pursuant to this paragraph, unless the
27 family member is otherwise eligible for classification as an in-state student
28 pursuant to this section.

29 4. The person's spouse has established domicile in this state for at
30 least one year and has demonstrated intent and financial independence and is
31 entitled to claim the student as an exemption for state and federal tax
32 purposes or the person's spouse was temporarily out of state for educational
33 purposes, but maintained a domicile in this state. If the person is a
34 noncitizen, the person must be in an eligible visa status pursuant to federal
35 law to classify as an in-state student for tuition purposes.

36 C. The domicile of an unemancipated person is that of the person's
37 parent.

38 D. Any unemancipated person who remains in this state when the
39 person's parent, who had been domiciled in this state, removes from this
40 state is entitled to classification as an in-state student until attainment
41 of the degree for which currently enrolled, as long as the person maintains
42 continuous attendance.

43 E. A person who is a member of the armed forces of the United States
44 and who is stationed in this state pursuant to military orders or who is the
45 spouse or a dependent child as defined in section 43-1001 of a person who is

1 a member of the armed forces of the United States and who is stationed in
2 this state pursuant to military orders is entitled to classification as an
3 in-state student. A spouse or a dependent child does not lose in-state
4 student classification under this subsection if the spouse or dependent child
5 qualifies for in-state tuition classification at the time the spouse or
6 dependent child is accepted for admission to a community college under the
7 jurisdiction of a community college district governing board or a university
8 under the jurisdiction of the Arizona board of regents. The student, while
9 in continuous attendance toward the degree for which currently enrolled, does
10 not lose in-state student classification.

11 F. A person who is a member of the armed forces of the United States
12 or the spouse or a dependent as defined in section 43-1001 of a member of the
13 armed forces of the United States is entitled to classification as an
14 in-state student if the member of the armed forces has claimed this state as
15 the person's state of legal residence for at least twelve consecutive months
16 before the member of the armed forces, spouse or dependent enrolls in a
17 university under the jurisdiction of the Arizona board of regents or a
18 community college under the jurisdiction of a community college district
19 governing board. For the purposes of this subsection, the requirement that a
20 person be domiciled in this state for one year before enrollment to qualify
21 for in-state student classification does not apply.

22 ~~G. Beginning in the fall semester of 2011, A person who is honorably~~
23 ~~discharged~~ HOLDING AN HONORABLE DISCHARGE from the ~~armed forces~~ UNIFORMED
24 SERVICES of the United States ~~on~~ FROM either active duty or reserve or
25 national guard status, or who has retired from active duty or reserve or
26 national guard status, shall be granted immediate classification as an
27 in-state student ~~on honorable discharge from the armed forces~~ and, while ~~in~~
28 ~~continuous attendance toward the degree for which currently~~ CONTINUOUSLY
29 enrolled, does not lose in-state student classification if the person has ~~met~~
30 ~~the following requirements:~~

31 ~~1. Registered to vote in this state.~~

32 ~~2.~~ demonstrated objective evidence of intent to be a resident of
33 Arizona ~~which~~ THAT, for the purposes of this section, includes at least one
34 of the following:

35 1. REGISTRATION TO VOTE IN THIS STATE.

36 (a) 2. An Arizona driver license.

37 (b) 3. Arizona motor vehicle registration.

38 (c) 4. Employment history in Arizona.

39 (d) 5. Transfer of major banking services to Arizona.

40 (e) 6. Change of permanent address on all pertinent records.

41 (f) 7. Other materials of whatever kind or source relevant to
42 domicile or residency status.

43 H. A PERSON WHO, WHILE USING EDUCATIONAL ASSISTANCE UNDER 38 UNITED
44 STATES CODE CHAPTER 30 OR CHAPTER 33, ENROLLS IN A UNIVERSITY UNDER THE
45 JURISDICTION OF THE ARIZONA BOARD OF REGENTS OR A COMMUNITY COLLEGE UNDER THE

1 JURISDICTION OF A COMMUNITY COLLEGE DISTRICT GOVERNING BOARD WITHIN THREE
2 YEARS AFTER THE VETERAN'S DISCHARGE FROM ACTIVE DUTY SERVICE OF NINETY OR
3 MORE DAYS OR WITHIN THREE YEARS AFTER THE SERVICE MEMBER'S DEATH IN THE LINE
4 OF DUTY FOLLOWING A PERIOD OF ACTIVE DUTY SERVICE OF NINETY OR MORE DAYS OR
5 WHO REMAINS CONTINUOUSLY ENROLLED BEYOND THE THREE-YEAR PERIOD FOLLOWING THE
6 DISCHARGE OF THE VETERAN OR THE SERVICE MEMBER'S DEATH SHALL BE GRANTED
7 IMMEDIATE CLASSIFICATION AS AN IN-STATE STUDENT AND DOES NOT LOSE IN-STATE
8 STUDENT CLASSIFICATION IF THE PERSON HAS DEMONSTRATED OBJECTIVE EVIDENCE OF
9 INTENT TO BE A RESIDENT OF THIS STATE THAT, FOR THE PURPOSES OF THIS SECTION,
10 INCLUDES AT LEAST ONE OF THE FOLLOWING:

- 11 1. REGISTRATION TO VOTE IN THIS STATE.
- 12 2. AN ARIZONA DRIVER LICENSE.
- 13 3. ARIZONA MOTOR VEHICLE REGISTRATION.
- 14 4. EMPLOYMENT HISTORY IN ARIZONA.
- 15 5. TRANSFER OF MAJOR BANKING SERVICES IN ARIZONA.
- 16 6. CHANGE OF PERMANENT ADDRESS ON ALL PERTINENT RECORDS.
- 17 7. OTHER MATERIALS OF WHATEVER KIND OR SOURCE RELEVANT TO DOMICILE OR
18 RESIDENCY STATUS.

19 ~~H.~~ I. A person who is a member of an Indian tribe recognized by the
20 United States department of the interior whose reservation land lies in this
21 state and extends into another state and who is a resident of the reservation
22 is entitled to classification as an in-state student.

23 Sec. 2. Section 15-1802.01, Arizona Revised Statutes, is amended to
24 read:

25 15-1802.01. County residency status; community college
26 districts

27 A. Each community college district shall adopt policies regarding
28 domicile requirements that include, at a minimum, the following:

29 1. Each student shall have the question of domicile determined before
30 the time of registration and payment of fees. It is the responsibility of
31 the student to register under the correct domicile determination.

32 2. Enforcement of domicile requirements shall be the responsibility of
33 the chief executive officer of each community college district.

34 3. The chief executive officer of each community college district
35 shall designate a representative at each college or campus who is responsible
36 for documents and who is qualified to administer oaths as defined in section
37 41-311 in connection with statements and testimony relative to student
38 domicile status for tuition purposes.

39 4. In addition to the requirements prescribed in section 15-1802,
40 ~~subsection G~~ SUBSECTIONS G AND H, any of the following may be used in
41 determining a student's domicile:

- 42 (a) An income tax return.
- 43 (b) The place of graduation from high school.
- 44 (c) The source of financial support.
- 45 (d) Dependency as indicated on a federal income tax return.

1 (e) Ownership of real property.

2 (f) A notarized statement of a landlord or employer.

3 (g) Bank accounts.

4 B. Each community college district shall adopt policies regarding
5 classification procedures for a student for nonresident or resident tuition
6 purposes that include, at a minimum, the following:

7 1. In determining a student's classification, the college may consider
8 all evidence, written or oral, presented by the student and any other
9 information received from any source that is relevant to determining
10 classification. The college may request written sworn statements or sworn
11 testimony of the student.

12 2. The decision as to classification shall be made by the
13 representative designated pursuant to subsection A, paragraph 3 of this
14 section. In making the decision the representative may consult with other
15 college officials. Decisions by the representative shall be made as soon as
16 possible after all relevant information is acquired.

17 3. If the representative classifies the student as a nonresident for
18 tuition purposes, the decision shall be communicated to the student by mail
19 to the most recent address furnished to the college. If the student is
20 classified as a nonresident for tuition purposes, the student must make
21 satisfactory provision for payment of nonresident tuition and other charges.

22 C. Each community college district shall adopt a review and appeals
23 process for students contesting a domicile decision by the college.

24 Sec. 3. Emergency

25 This act is an emergency measure that is necessary to preserve the
26 public peace, health or safety and is operative immediately as provided by
27 law.

APPROVED BY THE GOVERNOR APRIL 6, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 7, 2015.

Passed the House February 12, 2015

Passed the Senate March 31, 2015

by the following vote: 58 Ayes,

by the following vote: 29 Ayes,

0 Nays, 2 Not Voting
with emergency

6 Nays, 1 Not Voting
with emergency

[Signature]

[Signature]

Speaker of the House
Pro Tempore

President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

18th day of April, 20 15

at 11:19 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 6th day of

April

at 1:59 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 7th day of April, 20 15

at 8:30 o'clock A. M.

[Signature]
Secretary of State

H.B. 2091